

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CISCO SYSTEMS, INC. and	)	
ACACIA COMMUNICATIONS, INC.,	)	
	)	
Plaintiffs,	)	
	)	C. A. No. 21-1365 (GBW)
v.	)	
	)	
RAMOT AT TEL AVIV UNIVERSITY	)	
LTD.,	)	
	)	
Defendant.	)	

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CISCO SYSTEMS, INC. and	)	
ACACIA COMMUNICATIONS, INC.,	)	
	)	
Plaintiffs,	)	
	)	C. A. No. 22-674 (GBW)
v.	)	(Consolidated)
	)	
RAMOT AT TEL AVIV UNIVERSITY	)	
LTD.,	)	
	)	
Defendant.	)	

**JOINT INTERIM STATUS REPORT**

Pursuant to Paragraph 11 of the Scheduling Order (D.I. 59),<sup>1</sup> the parties hereby provide the Court with the following status report in the above-captioned actions.

**I. INTRODUCTION**

On September 28, 2021, Cisco Systems, Inc. (“Cisco”) and Acacia Communications, Inc. (“Acacia”) brought an action for declaratory judgment of non-infringement of U.S. Patent No. 11,133,872 (the ‘872 Patent”) against Ramot at Tel Aviv University Ltd. (“Ramot”). C.A. No. 21-1365, D.I. 1. On May 24, 2022, Cisco and Acacia brought an action for declaratory judgment of non-infringement of U.S. Patent No. 11,342,998 (‘998 Patent”) against Ramot. C.A. No. 22-674,

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<sup>1</sup> Unless otherwise noted, all docket citations are to C.A. No. 21-1365.

D.I. 1. On December 13, 2022, the Court entered a revised coordinated scheduling order in the 21-1365 and 22-674 Actions. D.I. 59.

On December 5, 2022, Judge Gilstrap of the Eastern District of Texas transferred Ramot's action for patent infringement against Cisco to the District of Delaware. C.A. No. 23-12, D.I. 52. On February 1, 2023, the Court granted the parties' stipulation to consolidate C.A. No. 23-12 with C.A. No. 22-674. C.A. No. 22-674, D.I. 50; February 1, 2023 Oral Order.

On January 19, 2023, the Court granted-in-part and denied-in-part Cisco and Acacia's motion to stay the 21-1365 Action in view of the instituted IPRs relating to the '872 Patent. D.I. 64.

## **II. STATUS OF DISCOVERY:**

Discovery is ongoing. Pursuant to the Court's January 19, 2023 Memorandum Order granting-in-part and denying-in-part Cisco and Acacia's motion to stay in the 21-1365 Action, Cisco and Acacia will serve their initial invalidity contentions with respect to only the 22-674 Action on February 22, 2023. *See* D.I. 64 at 5; *see also* D.I. 59, ¶ 3(d). Ramot has served written discovery, and has served infringement contentions, in the 21-1365 and 22-674 Actions.

## **III. STATUS OF IPRS:**

The parties expect that the Patent Trial and Appeal Board will be issuing its decision on whether to institute the petition for *inter partes* review relating to the '998 Patent in IPR2022-01283 on or around February 23, 2023. *See* C.A. No. 22-674, D.I. 50 at ¶ 2. The parties have agreed to meet and confer following that decision to discuss the impact of that decision on the cases. The USPTO has not yet ruled on Ramot's Requests for Rehearing or for Precedential Order Panel Review relating to the decision to institute *inter partes* review relating to the '872 Patent in IPR2022-00575 or -00576, but those instituted trials are proceeding according to schedule.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Jennifer Ying*

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February 15, 2023

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